

Board of Environmental Review
Agenda Item
Executive Summary for Solid Waste Management Plan Public Hearing

Agenda #: III.B.4.

Agenda Item Summary: Adoption of an Updated Solid Waste Management and Plan.

List of Affected Rules: None.

Affected Parties Summary: This plan was written as a combined effort of the DEQ and representatives of local governments, solid waste managers, recycling organizations, businesses, industries, environmental groups, and private citizens, all of whom will be affected by the plan.

Scope of Proposed Proceeding: The proposed action is initiation of a rulemaking proceeding to adopt an updated solid waste management

Background: Under the Montana Integrated Waste Management Act of 1991, Title 75, chapter 10, part 8, MCA, 75-10-104, and 75-10-111, MCA, the Department of Environmental Quality prepares and proposes a state solid waste management plan (sometimes referred to as the "solid waste management and resource recovery plan" in those statutes) to the Board for its consideration. This plan is a policy document that provides direction in implementing an integrated approach to solid waste management. If the Board adopts plan, the Department then implements it. Section 75-10-807(5) provides that the plan must be evaluated every 5 years and updated as necessary.

The original plan was completed in 1994. The plan was considered adequate in 1999. Last year the Department has determined that the plan is in need of updating. The Department established a task force of knowledgeable individuals representing local governments, solid waste managers, recycling organizations, businesses, industries, environmental groups, and private citizens. This task force met four times to review progress and advised DEQ on the plan. The plan has now been revised to address new practices and challenges in waste management. The proposed 2005 plan provides a hierarchy of waste management techniques. From most to least desirable, those techniques are: 1) source reduction 2) reuse 3) recycling 4) composting, and 5) landfilling or incineration. Each of these techniques is addressed in the plan. In addition, the plan includes a history of solid waste management and recycling, a description of roles and responsibilities of different government agencies and private interests, a summary of regulations, and a characterization of solid wastes in Montana. A common theme throughout the plan is the interconnectedness of the different groups involved in solid waste management, recycling, and composting. Many recommendations in the plan state or assume the need to form partnerships between different interests and the need to work together to accomplish the goals of the plan.

One of the recommendations in the proposed plan is that the waste reduction goal established in the Montana Integrated Waste Management Act be updated. The 2005 Legislature acted on this recommendation. In Section 2, Chapter 62, Laws of 2005, (HB 144) the Legislature set new waste reduction goals at:

1. By 2008, 17% of the state's solid waste stream
2. By 2011, 19% of the state's solid waste stream
3. By 2015, 22% of the state's solid waste stream

The proposed plan incorporates and is based on these goals.

The plan addresses the challenges of waste management in Montana with an integrated approach that focuses on long-term solutions that value resources, health and the environment.

Hearing Information: The Department has been working on the plan for some time, beginning with updating the data on solid waste disposal and recycling in Montana, convening a task force to review the facts and make recommendations, and requesting legislation to implement the change in solid waste goals as recommended by the task force. In addition, as required by § 75-10-111(1), MCA, the draft proposed plan was made available for public comment for 90 days beginning in October 2004, and public hearings were held, in Great Falls, Billings, and Missoula. Public comments were all in favor of the draft proposed plan. Those comments received are summarized in Chapter 16 of the proposed plan.

Section 75-10-111(2) requires that the Board hold a hearing pursuant to the rulemaking provision of the Montana Administrative Procedure

Board Options: Section 75-10-111(2) requires the Board to consider the solid waste management plan after giving notice and holding at least one public hearing pursuant to the rulemaking provisions of Montana Administrative Procedure Act. The Board may then adopt the updated plan as proposed, adopt the updated plan with modifications, or reject the updated plan.

DEQ Recommendation: The Department recommends that the Board initiate the rulemaking process to consider updating the solid waste management plan by directing publication of the attached notice of public hearing..

Enclosure:

1. Draft Notice of Public Hearing
2. Draft Solid Waste Management Plan